

## YOUNG CONAWAY STARGATT & TAYLOR, LLP

BEN T. CASTLE  
SHELDON N. SANDLER  
RICHARD A. LEVINE  
RICHARD A. ZAPPA  
FREDERICK W. IOBST  
RICHARD H. MORSE  
DAVID C. MCBRIDE  
JOSEPH M. NICHOLSON  
CRAIG A. KARSNITZ  
BARRY M. WILLOUGHBY  
JOSY W. INGERSOLL  
ANTHONY G. FLYNN  
JEROME K. GROSSMAN  
EUGENE A. DIPRINZIO  
JAMES L. PATTON, JR.  
ROBERT L. THOMAS  
WILLIAM D. JOHNSTON  
TIMOTHY J. SNYDER  
BRUCE L. SILVERSTEIN  
WILLIAM W. BOWSER  
LARRY J. TARABICOS  
RICHARD A. DILIBERTO, JR.  
MELANIE K. SHARP  
CASSANDRA F. ROBERTS  
RICHARD J.A. POPPER  
TERESA A. CHEEK  
NEILLI MULLEN WALSH

JANET Z. CHARLTON  
ROBERT S. BRADY  
JOEL A. WAITE  
BRENT C. SHAFFER  
DANIEL P. JOHNSON  
CRAIG D. GREAR  
TIMOTHY JAY HOUSEAL  
MARTIN S. LESSNER  
PAULINE K. MORGAN  
C. BARR FLINN  
NATALIE WOLF  
LISA B. GOODMAN  
JOHN W. SHAW  
JAMES P. HUGHES, JR.  
EDWIN J. HARRON  
MICHAEL R. NESTOR  
MAUREEN D. LUKE  
ROLIN P. BISSELL  
SCOTT A. HOLT  
JOHN T. DORSEY  
M. BLAKE CLEARY  
CHRISTIAN DOUGLAS WRIGHT  
DANIELLE GIBBS  
JOHN J. PASCHETTO  
NORMAN M. POWELL  
ELENA C. NORMAN

THE BRANDYWINE BUILDING  
1000 WEST STREET, 17TH FLOOR  
WILMINGTON, DELAWARE 19801

P.O. Box 391  
WILMINGTON, DELAWARE 19899-0391

(302) 571-6600  
(800) 253-2234 (DE ONLY)  
FAX: (302) 571-1253

110 WEST PINE STREET  
P.O. Box 594  
GEORGETOWN, DELAWARE 19947  
(302) 856-3571  
(800) 255-2234 (DE ONLY)  
FAX: (302) 856-9338

WWW.YOUNGCONAWAY.COM

DIRECT DIAL: (302) 571-6681  
DIRECT FAX: (302) 576-3333  
msharp@ycst.com

JOSEPH M. BARRY  
SEAN M. BEACH  
SANJAY BHATNAGAR  
DONALD J. BOWMAN, JR.  
TIMOTHY P. CAIRNS  
JEFFREY T. CASTELLANO  
KARA HAMMOND COYLE  
KRISTEN SALVATORE DEPALMA  
MARGARET M. DIBIANCA  
MARY F. DUGAN  
ERIN EDWARDS  
KENNETH J. ENOS  
IAN S. FREDERICKS  
JAMES J. GALLAGHER  
SEAN T. GREECHER  
STEPHANIE L. HANSEN  
DAWN M. JONES  
KAREN E. KELLER  
JENNIFER M. KINKUS  
EDWARD J. KOSMOWSKI  
JOHN C. KUFFEL  
KAREN LANTZ  
TIMOTHY E. LENGKEEK

SPECIAL COUNSEL  
JOHN D. MCLAUGHLIN, JR.  
KAREN L. PASCALE  
PATRICIA A. WIDDOS

ANDREW A. LUNDGREN  
MATTHEW B. LUNN  
JOSEPH A. MALFITANO  
ADRIA B. MARTINELLI  
MICHAEL W. MCDERMOTT  
MARIBETH L. MINELLA  
EDMON L. MORTON  
D. FON MUTTAMARA-WALKER  
JENNIFER R. NOEL  
ADAM W. POFF  
SETH J. REIDENBERG  
SARA BETH A. REYBURN  
CHERYL A. SANTANIELLO  
(NJ & PA ONLY)  
MICHELE SHERRETTA  
MONTÉ T. SQUIRE  
MICHAEL P. STAFFORD  
CHAD S.C. STOVER  
JOHN E. TRACEY  
TRAVIS N. TURNER  
MARGARET B. WHITEMAN  
SHARON M. ZIEG

SENIOR COUNSEL  
CURTIS J. CROWTHER

OF COUNSEL  
BRUCE M. STARGATT  
STUART B. YOUNG  
EDWARD B. MAXWELL, 2ND

February 28, 2007

### BY E-FILE

The Honorable Mary Pat Thyng  
United States District Court of Delaware  
844 North King Street  
Wilmington, DE 19801

Re: Laboratory Skin Care Inc. et al v. Limited Brands Inc. et al  
C.A. No. 06-601 (\*\*\*)

Dear Judge Thyng:

In advance of the status conference scheduled for March 5, 2007, Plaintiffs Laboratory Skin Care, Inc. and Zahra Mansouri (collectively "LSC") submit this letter pursuant to section 3(e) of the Court's Scheduling Order to bring to the Court's attention an issue that has arisen with respect to the terms of a Stipulated Protective Order.

As required by the Court's Scheduling Order, the parties conferred several times in an attempt to reach agreement on the specific terms and conditions for the disclosure of confidential information. The parties made significant progress in negotiating the terms of a Stipulated Protective Order and have reached agreement on all but one issue. The parties have been unable to reach agreement regarding the level of access to Confidential information that should be given to their respective clients, and therefore, seek the Court's assistance in resolving this dispute.

The point of contention between the parties is whether Ms. Zahra Mansouri should be permitted to review Defendant's confidential information. Ms. Mansouri is an individual Plaintiff in the litigation as well as the President and CEO of Plaintiff, Laboratory Skin Care, Inc. She is also the sole named inventor on the patent being asserted by LSC in the

YOUNG CONAWAY STARGATT & TAYLOR, LLP

The Honorable Mary Pat Thyng

February 28, 2007

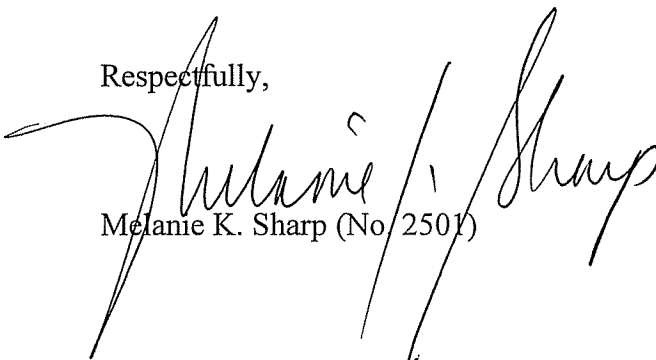
Page 2

litigation. LSC is a small, privately-held company with only seven (7) employees and does not have in-house legal counsel to advise the company regarding legal matters.<sup>1</sup> Nor is there anyone other than Ms. Mansouri directly employed by LSC who could serve in an advisory capacity with respect to the conduct of the litigation. Therefore, in order for LSC's outside litigation counsel to effectively communicate with LSC regarding the issues in the litigation, it is essential that Ms. Mansouri be allowed access to certain types of information. If Ms. Mansouri is denied access to all confidential and highly confidential information, as Defendants propose, LSC's counsel will not be able to adequately advise LSC concerning the litigation.

LSC originally proposed a two-tiered protective order whereby Defendants would have the option of designating material as either Confidential or Highly Confidential according to the degree of necessary confidentiality. Plaintiffs agreed that Ms. Mansouri would be the only LSC employee who would be allowed access to confidential information provided by Defendants. In contrast, Defendants have proposed a single tiered protective order that will not allow any information that is not otherwise publicly available to be disclosed to Ms. Mansouri. Defendants' counsel has quite candidly admitted that anything the Defendants' would not publish in the New York Times will be designated as confidential. Such a restriction on access to information needed to evaluate the case is not workable here, where Ms. Mansouri is the only LSC employee who is capable of making decisions on behalf of LSC regarding the conduct of the litigation.

For the foregoing reasons, we respectfully request the Court's assistance with the terms of a Stipulated Protective Order that will allow Plaintiff's counsel to communicate with Ms. Mansouri and advise her regarding the issues that will arise throughout the course of the litigation.

Respectfully,

  
Melanie K. Sharp (No. 2501)

MKS:ams

cc: Clerk of the Court (by Hand Delivery)  
Francis G. X. Pileggi (by e-mail and Hand Delivery)

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<sup>1</sup> Defendants have an in-house counsel whom LSC agrees may be given access to LSC's confidential and highly confidential information.